

**A Resolution**

NO. 3175-03-2005

**A RESOLUTION TO AUTHORIZE FILING A LAWSUIT AGAINST NORTH  
WESTERN EXCAVATION & DIRT LANDFILL L.L.P., ET AL PURSUANT TO  
CHAPTER 54 OF THE TEXAS LOCAL GOVERNMENT CODE**

**WHEREAS**, the City of Fort Worth (the "City") through its City Attorney is authorized pursuant to Chapter 54 of the Texas Local Government Code to file a lawsuit to enforce City ordinances for the preservation of public safety, relating to materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing fixtures, entrances, or exits;

**WHEREAS**, the City of Fort Worth (the "City") through its City Attorney is authorized pursuant to Chapter 54 of the Texas Local Government Code to file a lawsuit to enforce City ordinances relating to the preservation of public health;

**WHEREAS**, the City of Fort Worth (the "City") through its City Attorney is authorized pursuant to Chapter 54 of the Texas Local Government Code to file a lawsuit to enforce City ordinances for zoning that provides for the use of land or classifies a parcel of land according to the municipality's district classification scheme;

**WHEREAS**, the City of Fort Worth (the "City") through its City Attorney is authorized pursuant to Chapter 54 of the Texas Local Government Code to file a lawsuit to enforce City ordinances establishing criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;

**WHEREAS**, the City of Fort Worth (the "City") through its City Attorney is authorized pursuant to Chapter 54 of the Texas Local Government Code to file a lawsuit to enforce City ordinances implementing civil penalties under this subchapter for conduct classified by statute as a Class C misdemeanor;

**WHEREAS**, the City of Fort Worth (the "City") through its City Attorney is authorized pursuant to Chapter 54 of the Texas Local Government Code to file a lawsuit to enforce City ordinances relating to conditions caused by accumulation of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;



**CITY OF FORT WORTH**

**WHEREAS**, North Western Excavation of Texas also known as North Western Excavation & Dirt Landfill, L.L.P., are contractors for the work site located at 1016 Oak Grove Road, and Charles D. Hodges and Jesse B. Aguirre are general partners of North Western Excavation & Dirt Landfill, L.L.P.; and

**WHEREAS**, North Western Excavation of Texas also known as North Western Excavation & Dirt Landfill, L.L.P. is managing and directing the accumulation of debris, discarded building material, asphalt, cut brush and trees, litter, and solid waste in violation of the code of the City of Fort Worth;

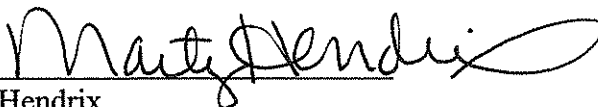
**WHEREAS**, Potter Contractors Incorporated also known as Potter Incorporated Demolition and Excavation Container Services, has illegally deposited discarded building material at 1016 Oak Grove Road, and D. K. Potter is the President of said business; and

**WHEREAS**, Texas Conference Association of Seventh-Day Adventist, is the owner of property located at 1016 Oak Grove Road, and is failing to maintain the property free of litter in violation of the code of the City of Fort Worth.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:**

1. The City Attorney is authorized and directed to effect all necessary legal action to enforce its ordinances pursuant to Chapter 54 of the Texas Local Government Code, and specifically to file suit against North Western Excavation of Texas also known as North Western Excavation & Dirt Landfill, L.L.P., Charles D. Hodges, Jesse B. Aguirre, Potter Contractors Incorporated also known as Potter Incorporated Demolition and Excavation Container Services, D. K. Potter, Texas Conference Association of Seventh-Day Adventist, and any successor owner of the property and/or any, as of yet unknown, responsible parties.
2. The City is further authorized and directed to take all necessary legal action to enforce the provisions of the City Code and is authorized to file suit and seek injunctive and declaratory relief and civil penalties where authorized by state statute and City Code.

ADOPTED this 8<sup>th</sup> day of March, 2005.

  
Marty Hendrix  
City Secretary

APPROVED  
CITY COUNCIL

MAR - 8 2005

  
City Secretary of the  
City of Fort Worth, Texas



**CITY OF FORT WORTH**